The Tamil Nadu Legislative Assembly was scheduled to meet on the 28th January 1988 to vote on the confidence motion to be moved on behalf of the Chief Minister Smt. Janaki Ramachandran. The *Go*vernor of Tamil Nadu has reported...

[Mr. Chairman in the Chair].

SPECIAL MENTIONS

Reported Violation of Prescribed ceiling *on* Expenditure by the Governor of Afldhra PrJdesh—contd,

THE MINISTER OF FINANCE AND THE MINISTER OF COMMERCE (SHRI NARAYAN DATT TIWARI) ; Mr. Chairman, Sir, with your kind permission, I would like to submit that the excnanges in the House which followed the special mention by Shri Upendra were unfortunate. I would like to categorically reiterate that We have full faith and confidence in you. I request you to kindly treat the matter as closed. May I further request you to kindly expunge the entire unfortunate proceedings in the spirit of forget and forgive'.'

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): While reiterating om highest respect to you with an assurance that we will abide by your ordeis and rulings always in this House, we formally oppose any expunction. Let them be there on the record as a mark of the indecent happenings in this House today. We firmly oppose any expunction. Let the exchanges remain on record as a mark of the indecent happenings in this House today.

4.00 P.M.

SHRI LAL K. ADVANI (Madhya Pradesh) I am sure that the entire House would agree that this morning's incidents were unfortunate and I welcome the statement made by the Leader of the House that the entire House expresses confidence in you and that the matter should be treated as closed. There can be no objection to that but we would certainly object to any expunction of anything from the remarks, from the proceedings of the House, because that is very important even for history.

SHRI M. S. GURUPADASWAMY (Karnataka): We have full faith and confidence in you, Mr. Chairman. What happened in the morning should not have happened. That was totally unnecessary. Somehow it happened. It has created a lot of feeling in you. We are aware of it. We felt sorry that the proceedings of the House in the morning created a lot of pain and anguish in your mind. 1 support the statements made here that without agreeing to expunge any-shina that took piace in the morning we reiterate our faith and confidence in you and we appeal to you that you should take it in your stride, you should not be emotional. And I am sure both the sides of the House are in total agreement to abide by whatever ruling you have given so far in the morning.

SHRI ALADI ARUNO *alias* V. ARUNACHALAM (Tamil Nadu); I entirely agree with the Leader of the House, Shri Tiwari and I compliment him for 'aking the initiative to settle the issue to the full satisfaction of this House. The country is aware of your loyalty, integrity and honesty. There is no room whatsoever for any doubt in that regard. Unfortunately something happened in the morning. Now steps have been taken to restore normalcy. But at the same time the proposal of expunging the proceedings is unprecedented and unnecessary. It will be a bad precedent. A portion of a certain category of proceedings can be expungrid. But what happened in the morning does not come under that category. Therefore, in order to teach a lesson to the future, the record should be maintained as it is.

SHRI SUKOMAL SEN (West Bengal): From our party I would like to clarify that we have full faith in you Mr. Chairman. What happened this morning has anguished us deeply. We feel that the responsibility for the debates of the House lies mainly with in ruling party. But some of our colleagues behaved in such a way that it has hurt the feelings not only of you but also of ours; it has tarnished the image of this august House. We are against expunction of any proceedings of what happened today. We feel that it should be kept on record as it is. Once again we extend our full cooperation to you.

SHRI N.E. BALARAM (Kerala): I agree with the statement read out by the Leader of the House excepting that part of the

statement in regard to expunging certain portions of the proceedings. This is a democratic institution. Sometimes when we are debating some thing, there may be occasions when we will be shouting and countershouting. I had been a member of the Legislative Assembly for many years and I have now been in Parliament for quite some time but in my life I have never seen a ruling of the Chair being questioned. It is a very unfortunate thing, as the Leader of the House said. I have said that it should not be expunged. Why? Because that portion must be retained. It has got two parts. One part is the most unfortunate one and I agree. But the second part is a lesson for the future generation that this should not be repeated, that this sort of thing should not be repeated. This is the lesson for all of us. So, unless we take it in that spirit, I do not think there is any meaning in the statement of the Leader of the House.

My humble request therefore, is that it should not be expunged. We have full faith in you, Sir.

SHRI MURASOLI MARAN (Tamil Nadu): Mr. Chairman^ Sir, we have great respect for you. We respect you for your honesty and for your integrity. At the same time, I appreciate the gesture of the Leader of the House. We were very happy when announced, when he reiterated, their confidence in you, in the Chair. He also said that the matter might be considered *r* as closed. There ends the matter. But unnecessarily he has opened the wound once again. What we wanted to forget we are discussing now. So, expunging is not the remedy. It cannot erase history. The Press was a witness to all the things that had happened here. They must have already reported them. These things would have come in the evening news by now, on the radio also. So, what is the use of expunging now? I am totally against it.

Sir, I would request the honourable Leader of the House to be magnanimous enough to withdraw the last portion, the portion asking for expunction, of his statement. Otherwise, it will give room for further discussion which we do not want.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : सभापति जी लोकतन्त्र सहमति असहमति और सर्वसम्मति के आधार पर चलता है । मान्यवर जब आप का सभापति के पद पर चुनाव हुआ था तो इस सदन के प्रत्येक सदस्य ने बिल्कुल एक-सम्मत होकर आपका निर्वाचन किया था । यह इस बात का प्रमाण था कि आपमें इस सदन के सदस्यों को पूर्ण आस्था है और विश्वास है ।

मान्यवर, आज जो सदन में हुआ वह दुर्भाग्यपूर्ण हुआ और इस प्रकार की घटना भविष्य में न हो इस बात का सभी को ख्याल रखना चाहिये ।

नेता सदन ने जो प्रस्ताव किया है उसके पहले भाग का तो मैं समर्थन करता हूं लेकिन आडवाणी जी ने और इधर के अन्य माननीय सदस्यों ने जो अपने सुझाव दिये हैं कि ये सारी बातें कार्यवाही में निश्चित रूप से रहनी चाहिये यह ठीक है । जो कुछ सुबह हुआ उसको न लने का काम हम करें किन वह अगर कार्यवाही में रहेगा तो हमारी जो भावी पीढ़ी आने वाली है वह इस तरह की कार्यवाही को पढ़ कर निश्चित रूप से इस बात का प्रयास करेगी कि ऐसी घटना पुनः न हो ।

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : माननीय चेयरमैन साहब आज जिस प्रकार की दुखद घटनायें इस सदन में घटित हुयीं हैं उसके लिये सदन के दोनों ओर के माननीय सदस्यों को अत्यन्त खेद है । हमारे दल का जिसका मैं नेतृत्व करता हूं उसका आपमें पूरा विश्वास है, आपकी निष्ठा और निष्पक्षता के साथ कार्य करने पर है, किन्तु जिस प्रकार का सुझाव यहां आडवाणी साहब ने और दूसरे माननीय सदस्यों ने रखा है उससे मैं सहमत हूं । नेता सदन ने जो सुझाव दिया है उनकी और सारी बातें ठीक हैं सिवाय इसके कि एक्सपंज किया जाये । नेता सदन ने जो प्रस्ताव रखा है उससे पूरा सहमत हूं सिवाय इसके कि उसको एक्सपंज कर दिया जाये इससे मैं सहमत हूं ।

SHRI N. K. P. SALVE (Maharashtra): Mr. Chairman, Sir, in fact, nothing remains to be said after the statement of the Leader of the House.

Sir, you are the undisputed and sole arbiter of any issue which may arise under

[Shri N.K.P. Salve]

the procedural law of this House. Sir, it *is* our respectful submission to you is that if we all of us, as very fairly said by one honourable Member, have learnt a lesson out of it it is a good lesson for ali of us whether we are sitting on this side *OT* on that side, and in view of the fact that you said some things in great anguish, it is only in the fitness of things commensurate with the high reputation of this Chamber and its dignity, that they should not go on record. It is my submission.

SHRI LAL K. ADVANI: He is trying to have your remarks expunged *(Interruptions)* He cannot take the House for a ride.

SHRI N. K. P. SALVE; I want to submit further that as per the Rules of the House 90 per cent of the exchanges which took place were without your permissicn. *(Interruptions)* Would you want exchanges of this unpleasant nature to remain, winch the Leader of the House has requested you to close in a spirit of 'forget and forgive'? Let us not cut our nose to spite our face. My respectful submission is that it Is in the mandate of the Rules that anyone saying anything without your authority would be saying something which will not go on record. And, Sir, 95 per cent of the things were said without your authority. Will you sit and find out what you permitted and what you did not permit ? Therefore, Sir, in the light of what spirit of comradeship and give-and-take, let this unfortunate incident be closed.

SHRI PARVATHANENI UPENDRA: On a point of order. Sir, Rule 261 says:

> "If the Chairman is of opinion that a word of words has or have been used in debate, which is or are defamatory or indecent or unparliamentary or undigini-fled, he may in his discretion order that such word or words be expunged from the proceedings of the Council.

The Rule does not permit even you Sir, to expunge any proceedings of a day or an hour, It will' be a bad precedent.

Secondly, nothing indecent was uttered. It was a deliberate flouting of your orders and rulings. Sir, there is nothing indecent. Word has gone round the country today that you are one of the greatest Chairman this Council has ever had. Therefore, there is nothing to be ashamed of. Let the proceedings remain as a reminder to this country that here is a Chairman who stood up against intimidation and bullying and who has' given the correct orders. *(Interrup- tions)*

SHRI LAL K. ADVANI; May I also have my say?

For all practical purposes what has been suggested now is firstly action against the Press and secondly expunction of your one remarks. I would have been very happy if the Leader of the House had simply come to the House and said that this morning's incidents were unfortunate and, therefore, we would request you to treat the matter as closed. We would entirely agree to that whole-heartedly, unreservely. And I would appeal to all my colleagues not to pursue this matter. But by suggesting expunction, what has been suggested is that the Press should be shut out; Number one. Number two, your remarks, Sir should go off the record Sir, would there be any precedent in this country or in any legislature in the world, that the Chairman expunges his own remarks? *(Interruptions)* And, therefore, I would plead with you and with the Leader of the House to slightly modify What he said and confine himself to the fact that let us treat the morning's incident as an unfortunate one and the matter be treated as closed.

MR. CHAIRMAN: Friends, in view of the sentiments of the House I do not wish to prolong the matter. I am touched by what the hon. Members have said. I have entered upon this office in a spirit of humility and service. My endeavour has been to uphold the highest values of parliamentary democracy. In the cut and thrust of our proceedings and in the heat of the moment, it is particularly necessary to uphold the traditions of our House. I may assure you that when I said it there was nothing personal about it because T do believe that Chairman come and go, men come and go.

but our institution lasts This is the institution on which the unity of the country depends on which the future of my country depends and on which the fulfilment of the dreams of those who sacrificed thcii all depends. So, please remember that it is nothing. What perturbed me was me way the things happened and the way I felt. The two sides of the House were moving in a particular direction. If that hostility remains, the purpose of the House is lost. The purpose of the House is discussion in a calm atmosphere giving full weight to what the other side is saying. That is why I said in the very first place that atmosphere has got to be built. That atmosphere is absolutely needed. We have to build the real foundations for the future India which, to my mind, depends on our unity and on the success of our democracy. As it is my country cannot survive without democracy. So the basic thing is the atmosphere in which we can all work together. 1 was thinking in that context. Though 1 agree that I cannot expunge it, I do not want to get into what should be done and whether the word 'undignified' is applicable or not. One view is that what has been said or what happened was undignified and so it should be expunged. That is one point. But that is neither here nor there. The other thing that they have said is that it will be ridiculous and people will laugh that the Chairman expunged his own remarks. 1 understand the force of what is being said. But as I said in the beginning, the individuals don't count and the Chair's interest ....

SHRI LAL K. ADVANI; It is the interest of the institution. We are not talking about Dr. Shankar Dayal Sharma. We are talking of the institution of Parliament. May I very respectfully submit that this practice of expunction is obsolete in the House of Commons unless it is unparliamentary. Here anything is expunged. This kind of precedent should not be set. Chairman's remarks cannot be expunged.

SARDAR JAGJIT SINGH AURORA (Punjab); I never interrupt. So I would like to have a chance.

SHRI PARVATHANENI UPENDRA; Sir, we anticipate what you are going to say. We request you to stop at that. Let us proceed with the meeting. We will discuss it not in the House but in your chamber.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM; It is better to have a consensus of some of the political parties in this matter. It is a very crucial matter,

SARDAR JAGJIT SINGH AURORA; May I be given a chance to say something? First of all I would like to say as a disciplined soldier all my life that what happened today, I am sorry to say, is shameful. If we are going to expunge it, it means that we want to forget and not learn a lesson from what has happened. It must be kept as a reminder for other people who follow. If you are going to sweep it under the carpet, I am afraid this so-called brute majority now and may be another brute majority in the future time to come will follow that procedure, and it will mean that this House will lose its dignity, and the Chairman whom we not only respect but also venerate would have been defamed for nothing at all. Therefore, I very strongly urge that you please do not do that because it is going to have in the long run a very very bad effect. Thank you, Sir.

SHRI M. S. GURUPADASWAMY. May I have a word, Sir? 1 would like to say, Sir, thus far, no further from you, *(Interruptions)* fust a minute. I am making a request. You have said, Sir, whatever has to be told to us in the House. And in the absence of an agreement between the parties concerned, there should not be any expunging of any remarks made in the House in the morning. I would suggest, Sir, that if there is to be a consensus and agreement, we can meet you in the Chamber and discuss that issue. But now, Sir, I beg of you ... *{Interruptions)* We have created a good atmosphere. The Leader of the House has come out with a statement. Except for the last part of it, we have endorsed it. Let us not introduce a controversy here again. We have a good atmosphere. Let us maintain this atmosphere There is no difference between us

[Shri M.S. Gurupadaswamy:]

and the Treasury Benches in this regard. Therefore, there should be no expunging of anything at all. But we reiterate our faith and confidence in you, Sir, as the Chairman Of this House.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM; We can discuss it with you, Sir.

SHRI DIPEN GHOSH (West Bengal).: Mr. Chairman, Sir, the question of expunging does not arise at all. Evryobdy saw, verybody knew what had happened. It was on record. Though to the disliking of others, it happened. There were leaders present. The Prime Minister himself was present. The Leader of the House was present. Other important senior Ministers were present. At that time none of them bad felt to intervene and restore peace and normalcy in the House so that the Members of the ruling party or the Treasury Benches could not interfere or could not disobey the ruling of the Chair. Let the future students of Indian parliamentary democracy learn from it as to what state the ruling party at the Centre brought the institution of parliamentary democracy and to what a shame, to what a mess. *(Inerruptions)* So, Sir, we do not agree with the Leader of the House to that exent that what had been on record should be expunged,

SHRI LAL K. ADVANI: Let this not become a bone of contention. On this particular issue we cannot compromise with the ruling party. If they want to have it expunged, the consequences will be that it will be reported in the press and there will be motions for breach of privilege, for contempt of the House.

SHRI DIPEN GHOSH; Sir, it will be creating another dangerous precedent. It will give an opportunity it will give an upper-hand to the Treasury Benches to create chaos and then get the ruling changed in the shape of expunction. It will be oeating another dangerous precedent. cannot agree to it.

SHRI LAL K, ADVANI; Sir, this has become a controversy between the Government and the Opposition whether remarks of this' kind can be expunged or not. And if you want to take a decision on that, we will plead with you to hear us fully in your Charmber. Let them also be called. Otherwise this will become a major controversy. And it will have consequences in all the legislatures of the world that the Chairman expunges his own remarks only because the ruling party has come to realise that this misconduct will cost them dearly. *(Interruptions).*

MR. CHAIRMAN: I was not talking of

श्री राम चन्द्र विकल (उत्तर प्रदेश) : माननीय सभापति जी जो घटना घटी है उसकी बिना कोई चर्चा किए हुए मैं सदन के नेता से विनम्र प्रार्थना करना चाहता हूं कि इस वक्त सदन में सद्भावना बनाये रखने के लिये मात्र एक ही रास्ता है कि इसे आप पर छोड़ दिया जायं कि आप जो उचित समझें निकाल दें या जो उचित समझें न निकालें सारा आप पर छोड़ दिया जाय ।

श्री लाल कृष्ण आडवाणी : वह तो एक स्पेशल मेंशन उन पर छोड़ने के लिये तैयार नहीं थे ।

expunction or my using this power. But, as you said the whole question should be looked into coolly. As you said, we will talk about it and till then we can if we are able to finish early or tomorrow. ..

SHRI LAL K. ADVANI; The proceedings have been going on normally.

MR. CHAIRMAN; But one thing, we have to be fair, that till then we must keep this thing in suspension.

SOME HON. MEMBERS; No, Sir, the rules do not permit that.

SHRI LAL K. ADVANI; Sir, why are you censoring the press? The press should not be censored. A major development has happened in the Rajya Sabha, the like of which has not happened in the last 40 years. Now the press is being censored by this kind of a proposal. I am against it.

There is a proposal to censor the press. Something of this kind happened only during the emergency. You are doing it without emergency. No, Sir, you cannot do it under the rules,

MR. CHAIRMAN; There is one fundamental rule, you will agree with me that the House is supreme. I ,am sure, you are not doubting it. This House is supreme, you will agree with it. *(.Interruptions).* The House is supreme you do not have a rule for that.

SHRI DIPEN GHOSH; If the majority of the House indulges in vandalism and by the same majority the press is censored, how would it be?

MR. CHAIRMAN : I hope you are not questioning the supremacy of the House. *(Interruptions),* Please hear me fully. That is the whole trouble.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: We are not questioning the supremacy of this House. But the supremacy is based on certain democratic principles. We have to adhere to those principles. Can the House take any undemocratic decisions? No.

MR. CHAIRMAN; I hope you are not heard me fully. I am telling you, you can rise one by one. I made the first proposition. You do not permit me to take the second. All the propositions should be seen together. This House is supreme. The House is supreme does not mean that the majority is supreme in such important matters. Now, that is why I said a decision on this we will take, as you suggested, let us go to the chamber.

SHRI LAL K. ADVANI; Do not keep it pending. Mr. Chairman it is the duty of the press to be fair in reporting the proceedings of the House. If they fail to do so, they can be taken to task. But today after a lapse of six hours if they are directed that all that they have published is to be withdrawn, and if you do not withdraw it, you will be under the threat of contempt of his House, is this fair to the press? This is censorship of the press without even an emergency.

SHRI PARVATHANENI UPENDRA: Alrady the dak editions have been published. Dak editions have already come out. Then how do you prevent it?

SHRI LAL K. ADVANI; I would request him to withdraw that proposal. The House has already agreed that we have full faith in the Chairman, The House has agreed that this morning's matter should be treated as closed. But if you bring in this controversy, it will go on for a long time.

MR. CHAIRMAN; I am not suggesting, and I hope the duling party or this side also is not suggesting consoring the press; but bigger considerations will also be in their mind. So, I was thinking that as the House sits upto 6 O'clock,..

SOME HON. MEMBERS: Upto 5.

THE MINISTER OF STEEL AND MINES (SHRI MAKHAN LAL FOTEDAR): It can be extended also.

SHRI DIPEN GHOSH; Let people know your conduct; why are you afraid?

SHRl LAL K. ADVANI; We will repeat what they have done.

MR. CHAIRMAN: We have to come to a conclusion and as you suggested...

SHRI PARVATHANENI UPENDRA: But no suspension.

SHRI MURASOLI MARAN I want to know why you want expunction.

MR. CHAIRMAN; I am sure the House is in a mood of cooperation and they will look at it from the proper angle where we are going to discuss the whole thing. We have not said that we will not permit it; we have said that we will sit together, as you yourself suggsted, and discuss it, and in all fairness, they wait till the discussions with the leaders of opposition are over.

SHRI PARVATHANENI UPENDRA; But the evening editions have already come out.

MR. CHAIRMAN; I am sure that after you have discussed the decision will be that it should not come. This could be a decision; you connot presume. There can also be the decision that it should come. The only loss will be that in place of its coming today, it will come tomorrow.

SOME HON. MEMBERS: No, no.

SHRI DIPEN GHOSH; Whatever has happened, has happened.

SHRI M. S. GURUPADASWAMY: We are not to review the whole thing or reconsider what has happened. We can discuss the issues but we cannot review.

MR. CHAIRMAN; There is a fundamental rule that whatever this House unanimously decides, it is presumed that it will be in the best interests of the country. That is the presumption. And a presumption that the Members will cooperate with the unanimous will of the House,

SHRI PARVATHANENI UPENDRA: No not unanimous. We are not agreeing.

SHRI DIPEN GHOSH: We cannot agree.

SHRI PARVATHANENI UPENDRA; Sir, there is no unanimity,

SHRI M. S. GURUPADASWAMY: There is unanimity on only one thing that this House has got confidence in you. There is unanimity only on this. *{Interruptions)*

SHRI GHULAM RASOOL MATTO (Jammua and Kashmir); What is the harm in going inside the Chairman's Chamber and discussing it? *{Interruptions)*

SHRI DIPEN GHOSH; It has already gone to the ticker, what happened at 12 noon today.

MR. CHAIRMAN; Whatever is our decision, we can communicate to the Press. They have all the matter ready but we can tell them to wait for our decision. *{Interruptions)*

SHRI LAL K. ADVANI; Sir, the Press cannot be censored.

SHRI PARVATHANENI UPENDRA: It has already been published, *{Interruptions)*

SHRI DIPEN GHOSH: Mr. Chairman, Sir, if a discussion is being contemplated to arrive at unanimity to tell the Press that they should not report what happened after the Question Hour, we say 'No'. We are not going to agree to this. There cannot be unanimity on this. *{Interruptions).* Mr. Chairman, Sir, I would like to make it abundantly clear on behalf of all the parties and groups on this side here that we are not going to accept censorship of the Press. It is left to the Press to decide which part of the debate, which part of today's proceedings in the morning session should be reporfed by them and which part should not be reported. We should leave it to the Press, to the wisdom of the Press. It is a separate Institution. We are not going to accept this thing. There cannot be unanimity on this. *{Interruptions)* Are they afraid of their conduct being reported to the world? Do they not know—Mr. Tiwari must be knowing—that it was Mr. Feroze Gandhi, the father of the present Prime Minister who fought for the independence of the Press in regard to reporting of Parliamentary proceedings? And durng his sons tenure they are proposing to kill that. We are not going to accept this thing.

SHRI PARVATHANENI UPENDRA: Sir, do not be a party to the censorship of the Press. For God's sake. Your stature is high in the country. Do not be a party

SHRI DIPEN GHOSH; We cannot be a party to the censorship of the Press.

SHRI NARAYAN DATT TIWARI: Sir, I am very sorry. I very much regret that the same conduct for which)... *{Interruptions)*

SHRI PARVATHANENI UPENDRA; What conduct? It was your conduct which was reprehensible. *{Interruptions)*

SHRI NARAYAN DATT TIWARI: Sir, may I complete? Whatever I wanted to say I have said in my brief intervention. I requested you to forget and forgive and in the same spirit I requested ' you to kindly consider our request because this has not happened just today. There is no question. We have the greatest respect for the Press.

SHRI DIPEN GHOSH: That is why you got the Press raided by the Directo' rate of Enforcement and the CBI. You muzzled the Press.

SHRI NARAYAN DATT TIWARI: Many times in the past in the history of this House, expunctions have been made. So many times.

SHRI DIPEN GHOSH; What happened during the Emergency?

SHRI NARAYAN DATT TIWARI: Mr. Chairman, Sir, it is for you to consider our request lt is not a question of censorship. Whenever unsavoury things had been said in the past they have been expunged and, therefore, they should be expunged now.

SHRI PARVATHANENI UPENDRA: You condemn the conduct of your Members.

SHRI M. S. GURUPADASWAMY: Why should it be expunged? For what reason? *(Interruptions)*

SHRI LAL K. ADVANI: Mr. Chairman, I am sorry that the Leader of the House should have attributed to the Opposition just now saying 'that something similar is happening, what happened in the morning. So far as I am concerned, I think the opposition has no objection to every word that we have said now being reported in the press and in this connection I would like to draw your attention as well as the attention of the Leader to article 361A of the Constitution because earlier it was the Feroze Gandhi Act that save imnmnity to the coverage of proceedings of Parliament but since 197?. this provision has been included, b says;

> "No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State, unless the publication is proved to have been made with malice:
>
> Provided that nothing in this clause shall apply to the publication of any report of the proceedings of a secret sitting of either House of Parliament?.."

Now this is a constitutional guarantee given to the Press even though they abide by expunctions. Every pressman by law . abides by expunctions but that expunction has never been arbitrary, that expunction is also governed by rules. Mr. Gurupadaswamy has read out that rule. Therefore, our humble submission to you is to see that the Government does not try to censor the press by requesting you for expunction. This request for expunction is nothing else but an attempt to censor the press. I am sure the press haq taken due' note of whatever has hap pened this morning. So far as we are concerned, we are willing to treat this matter as closed as was suggested by the leader of the ruling party. It is only because he introduced this proposal for expunction that this controversy has risen and if he persists, the controversy will persist. Therefore, my request is to see that this article 361A J. honoured by this House, '

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFATRS (SHRI M.M. JACOB); Mr, Advani is saying out of context. You have given your ruling under rule 261 of the Rules of Procedure and Conduct of Business in the Rajya Sabha. He his quoted an article of the Constitution which relates to the civil or crimi-' c-ises.

ठाकुर जगपाल सिंह (मध्य प्रदेश): श्री आडवानी ने अभी जो कुछ कहा है वह यहां सफाई नहीं होता है ।

SHRI M.S. GURUPADASWAMY: If you want to discuss any issue arising out *of* the morning's proceedings, you can adjourn the House, go to the Cham-, ber. We can discuss it, but we are not agreeable for expunging any Temarks, anything which happened in the morning and the Press has taken note of it. It has been reported by the press and the Ali India Radio has broadcast it. I do not think we should come in the way of publicity, let the publicity go on.

MR. CHAIRMAN; All hon. Members may resume their seats. In view of the sentiments expressed by you, the rrfatter should not prolonged a moment further. Regarding expunction of the proceedings I as Chairman, am entitled to scrutinise the proceedings to see if anything is...

SHRI M. S. GURUPADASWAMY: Unparliamentary. *(Interruptions).*

MR. CHAIRMAN; You have not heard me fully, that is why you have come to the conclusion... to see if anything is objectionable and also to see that they are true proceedings, nothing goes this way of that way.

SHRI MURASOLI MARAN: What does it mean? Can the Press publish the Same or not?

MR. CHAIRMAN; Now so far as Press is concerned, there is a provision here in Art. 361A and I would like the Press to keep that in view, because Art. 361A protects them, no doubt, but the wording is very clear:

> "Protection of publication of proceedings of Parliament and State Legislature?
>
> No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or,-' as the case may be, either House of the Legislature, of a state, unless the publication is proved to have been made with malics' ,

So till then—I want to have your consent on this— it will be necessary for the Press to see that nothing exaggerated, nothing divergent from this is published, because if they do, it, after that I can tell them that both the courts of India and this House will have the full right. So the only thing is... *(Interruptions)* I am having your consent.

SHRI DIPEN GHOSH; I think the Press is more responsible than the ruling party Members. They know what is to be reported, what is not to be reported.

SHRI M.S. GURUPADASWAMY: If the Press were to report the proceedings of the House as they are, we cannot take exception to that.

SHRI LAL K. ADVANI; They should report faithfully.

SHRI M. S. GURUPADASWAMY: They have to faithfully report.

MR. CHAIRMAN; You are a law graduate; you know it. The words are very clear. I would request them to be doubly careful. The clause is very clear. They should see the full meaning of the clause—that they do not depart from what is there. Even by an iota if they do it, then it will be presumed that it is not *bona fide,* but it is *mala fide,*

SHRI LAL K. ADVANI: The Press should not suppress.

MR. CHAIRMAN; Then they cannot say that it is not *mala fide.* On one thing the House, I think, will be with me— that 't should be totally correct; neither this way, nor that way. Nothing goes, which is not correct, against the ruling party; nothing goes, which is not correct, against Shri Upendra or Vennaji.

SHRI PARVATHANENI UPENDRA: There should not be any suppression at lall by the Press.

MR. CHAIRMAN:...because if it is done, if anything divergent goes—because normally the idea is when you are reporting, in the heat of the moment, you

may be reporting something, but here I am repeating this; they should consult with each other, make sure that whatever they publish is totally correct; otherwise the presumption will be that it is *mala fide* under this provision of the Constitution.

SHRI N. K. P. SALVE: Sir, the earlier part of your ruling...

THE MINISTER OF PLANNING AND THE MINISTER OF PROGRAMME IMPLEMENTATION (SHRI P. SHIV SHANKER): Suspension order and. report, as you were pleased to make the observation...

SHRI LAL K. ADVANI: No exaggeration, no underplay but. fair reporting.

SHRI P. SHIV SHANKER: The sub mission I was trying to make is that since you are pleased to suspend this order, they should reckon this suspen sion for the purpose of correct publi cation tomorrow ____*(Interruption)*....

SOME HON. MEMBERS: No suppression.

SHRI P. SHIV SHANKER: That is what the Chairman said. I was only trying to interpret what the Chairman has said. Mr. Chairman correctly said ... *(Interruptions)*...

श्री वीरेंद्र वर्मा : जो चेयरमैन साहब ने कहा है वह हमें मंजूर है । जो रूलिंग आपने दी है व ह हमेंमंजूर है

SHRI PARVATHANENI UPENDRA: We assure you, Sir, as you have directed the press, if they misquote, we also will be with you when you take action.

MR. CHAIRMAN: Now let me see.

SHRI LAL K. ADVANI: No exaggeration, no suppression.

MR. CHAIRMAN: If it tries to bring in something ... *(Interruptions)* ... Let me aee.

SHRI N. K. P. SALVE: Sir, .the earlier part of your ruling remains intact that this should not be part of the proceedings of the House today until you have examined it.

SOME HON. MEMBERS: No, no, *(Interruptions)*. . .

SHRI N. K. P. SALVE: That is your ruling, Sir.

श्री वीरेंद्र वर्मा : चैयरमैन साहब आपने जो रूलिंग दी है वह फिर ओपन करना चाहते हैं ।

SHRI N. K. P. SALVE: Sir, please read the proceedings. That is the earlier part of your ruling ... *(Interruptions)*

SHRI LAL K. ADVANI; That the press does not distort... *(Interruptions)*

SHRI N. K. P. SALVE: Sir, Please permit me to submit only one thing. Whatever ruling you have given on article 361A(1) is acceptable but, as a fact, I submit with all respect, earlier you have said that until you have examined the entire proceedings they will not be part of proceedings of the House.

MR. CHAIRMAN: I obtained the consent of the House for that.

SHRI M. S. GURUPADASWAMY: He is indulging in distorton. We don't agree *(Interruptions)* ...

MR. CHAIRMAN: Even at that time I had said that whatever the rules are, the rules are not above the House. But in this case House means the unanimity. ..

SHRI NARAYAN DATT TIWARI: Majority.

MR. CHAIRMAN: No, not majority but at least near unanimity. Now, I don't get it. But the important thing is, the Government side is afraid that because in the heat we talked about BO many things, then they may have caught , one thing here ... *(Interruptions)* ...

SHRl LAL K. ADVANI: Sir, you have always been fair.

SHRI NARAYAN DATT TIWARI: No question of being afraid. Only we want to set the record straight.

SHRI M. M. JACOB; We are prepared to debate anything in this House as per the rules of this House. We will never go back.

SHRI P. SHIV SHANKER: Sir, in this House we are only afraid of you, out of respect. We are not afraid of them at all.

MR. CHAIRMAN: You need not be afraid of me. I am with you.

श्री वीरेंद्र वर्मा : ठीक है आप इन्हीं से अफ़ेड रहिएगा।

श्री सभापति : हम यह कह रहे हैं कि खतरा है कि कुछ इधर-उधर का आयेगा। तो उनको यह खतरा है कि इधर-उधर का आयेगा। इसलिये मैंने बीच का रास्ता दे दिया कि क्योंकि ज्यादा शोर-शराबा था

they should be extra careful. Genuinely they may have got something which is not correct. So, before the publish, they should check and cross-check because, as much as I understand, this article of the Constitution will not protect them especially when in this House we have repeated that it should be totally correct. This excuse that in the din they did not get, that it is *bona fide* will not be the presumption. If it is not accurate, the presumption will be that it is *mala fide*- They will have- to prove that it was *bona tide.* The onus of proof will be on them. So this particular thing, they should keep in view.

SHRI M. S. GURUPADASWAMY: No suppression, Sir, no exaggeration by the press. There has got to be fair rercrling by the press.

कृषि मंत्री (श्री भजन लाल) : सभापति महोदय बहुत ही नम्रता के साथ निवेदन करना चाहता हूं कि यह मामला थोड़ा सा कन्फ्यूज्ड हो गया है। इसलिये आपसे निवेदन है कि इसको बिल्कुल क्लीयर करें कि जब तक आप इसको सस्पैंड करके प्रेस को नहीं कहेंगे ये छापेंगे। प्रेस वाले यूं ही कहेंगे कि हमने तो यही सुना था और जो हमारी समझ में आया वह छाप दिया। इसलिये आप से निवेदन है कि आपोजीशन को आपने देखा हुआ है इनका रोल कि प्रेस के लिये सारा हाय-हवेला मचा रहे हैं कि प्रेस में बहुत कुछ आये। हम निवेदन करना चाहते हैं कि प्रेस में आये प्रेस को आजादी है लेकिन इस हाऊस की एक मर्यादा है इस हाउस का मान है और इस हाउस की डिगनिटी कायम रहनी चाहिये। इसका मतबल यह नहीं है कि आपोजीशन के महानुभाव इस बात का पोलिटिकली फायदा उठायें और पोलिटिकली फायदा उठाने के लिये ये बार-बार शोर मचाते रहें। इसलिये आपसे निवेदन है कि इसको आप क्लीयर करिये कि कोई बात जब तक सेक्रेटरी साहब से न पूंछ लें आपसे न पूंछ लें प्रेस उस बात को न छापे तभी मसला हल होगा वरना प्रेस अपनी मर्जी से छाप देगी और उससे हाउस की और आपकी मर्यादा कम होगी। इसलिये आप इस पर फिर से विचार करें, स्पष्ट रूलिंग दें कि प्रेस के लिये आपका क्या आदेश है।

SHRI DIPEN GHOSH; The press is a little wiser than Mr. Bhajan Lal himself. The press is more intelligent than Mr. Bhajan Lal. The press knows what is to be reported and what is not to be reported. *(Interruptions)*

MR. CHAIRMAN: Kindly hear me. The whole thing goes on trust. We trust that the press will not do any such thing. Of course, if they do it I have repeatedly said, they will be liable to contempt of the House because that is a quicker method. But to know—I am again repeating—what is correct and what is not correct, naturally, anybody will have to depend upon the proceeding as recorded officially.

SHRI LAL K. ADVANI: आज कोई प्रेस वाला होगा उसकी ड्यूटी होगी पूरी रिपोर्ट करें Even at the cost of inviting contempt.

MR. CHAIRMAN; If you start losing faith in these pillars, press judiciary} you can't go on. In a democracy these are absolutely essential. So, mutual faith is needed. You should have faith in the press; you should have faith in the judiciary. The judiciary should have faith in the legislature, and the press should have faith in the legislature. So, we are all working on one purpose.

SHRI P. SHIV SHANKER: All of us sitting here, we bow to your ruling. We pay our respect.

MR. CHAIRMAN: Don't bow. You make it a rule.

SHRI P. SHIV SHANKER: I was only to bring to your kind notice that you were pleased to make an observation previously that it would be treated that they are not on record till you would take a decision.

SOME HON. MEMBERS: No.

SHRI P. SHIV SHANKER: All these observations of yours are subject to this observation. All this is subject to the observation that the Chairman has made. Chairman has made the position clear.

These people are unnecessarily interrupting. It was between you and me.

MR. CHAIRMAN: It was not my ruling at all. It was my request.

5.00 P.M.

SHRI P. SHIV SHANKER: I am seeking the clarification from you.

MR. CHAIRMAN: It was not my ruling. You know the difference between ruling and request. It was not my ruling. It was my request.

SHRI P. SHIV SHANKER: Sir, your kind ruling has to be interpreted in totality. They cannot interpret it like that. *(Interruptions)* How can they interpret your ruling?*(Interruptions)* They have no business to interpret it. *(Interruptions)* How can they interpret your ruling?

MR. CHAIRMAN: You are a great legal luminary. We do not come in conflict with that.

SHRI P. SHIV SHANKER: No, Sir. I am on Article 361A.

MR. CHAIRMAN: But the House does not run on the niceties of the law.

SHRI P. SHIV SHANKER: Sir, 1 was only making the submission on what you were pleased to observe. Now, they cannot Interpret it in a different manner. *(Interruptions)* I am not saying that. What the Chairman has said... *(Interruptions)* I am not asking you to interpret it. How can you interpret it? You have no business to interpret it.

SHRI M. S. GURUPADASWAMY: Sir, may I repeat, you have said the press has to be responsible *(Interruptions)*

MR. CHAIRMAN: Now, the House will rise to meet again tomorrow at 11 a.m.

The House then adjourned at one minute past five of the Clock till eleven of the clock on Wednesday, the 24th Feb-ruarv, 1988.

MGIPMRND—Job III—1926 RS—30-5-18—400.